IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL SECOND APPEAL NO.106 OF 1996.

Om Prakash Vs. R.S.R.T.C. & Another

DATE OF ORDER ::: 06.10.2006.

Hon'ble Mr. Narendra Kumar Jain J.

Mr. B.L. Gupta, Counsel for Appellant.

By the Court :

Heard learned counsel for the appellant.

The plaintiff filed a suit for declaration to declare his termination order dated 28.08.1990 from the post of Conductor as illegal and void. The Lower Court decreed the suit and declared the termination order dated 28.08.1990 as illegal and void. The Lower Court also awarded consequential benefits from the date of filing of the suit. Being aggrieved with the same, two appeals were preferred, one by Corporation against the order setting aside the termination order as illegal by the Lower Court and another appeal by the plaintiff for

not awarding the back-wages from the date of termination in place of date of filing of the suit. The First Appellate Court dismissed the appeal of the plaintiff and allowed the appeal of defendant-Corporation. The First Appellate Court came to a conclusion that the cause of action in the present case arose at Bharatpur, whereas the suit has been filed at Jaipur, therefore, for want of territorial jurisdiction, the order of the Lower Court is without jurisdiction and the judgment and decree passed by the Lower Court was set aside. Hence, this second appeal has been preferred by the plaintiff.

Learned counsel for the appellant Mr. B.L. Gupta, contended that the question of territorial jurisdiction can be raised only in the Lower Court and not at subsequent stage, therefore, the First Appellate Court was not justified in setting aside the judgment and decree of the Lower Court. In support of his contention, he referred Sobha Ram Vs. R.S.R.T.C., reported in **1996 (2) W.L.C. (RAJ) Page 52.**

I have considered the submissions of learned counsel for the appellant and the impugned judgment passed by both the Courts below.

So far as Sobha Ram Vs. R.S.R.T.C. **(Supra)** is concerned, I find that the said judgment is not applicable in the facts and circumstances of the present case. From the finding of the Lower Appellate Court, it is clear that the cause of action arose in the present case at Bharatpur, whereas the suit has been filed at Jaipur. The finding of the First Appellate Court is absolutely correct and I do not find any illegality in it.

Apart from above, it is also relevant to mention here that the Hon'ble Supreme Court in Rajasthan State Road Transport Corporation & Another Vs. Zakir Hussain, **(2005 (7) SCC 447)** and Rajasthan State Road Transport Corporation & Others Vs. Ramdhara Indoliya **(2006 6 SCC 287** has taken a view that in the matter relating to the industrial disputes, the Civil Court had no jurisdiction to entertain, try and decide the civil suit filed in the Civil Court by the workman relating to industrial disputes.

In these circumstances, I do not find any force in the submissions of learned counsel for the appellants.

No substantial question of law is involved in

this second appeal and the same is accordingly dismissed at the admission stage itself with no order as to costs.

(Narendra Kumar Jain) J.

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